

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ALEXANDER BROWN</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>STATE OF PENNSYLVANIA, et al.,</b>	:	<b>No. 08-4206</b>
<b>Respondents.</b>	:	

**ORDER**

AND NOW, this 31<sup>st</sup> day of March, 2010, upon consideration of the Report and Recommendation of United States Judge Arnold C. Rapoport, to which no objections were filed,<sup>1</sup> it is **ORDERED** that:

1. the Report and Recommendation is **APPROVED** and **ADOPTED**;
2. the Petition is **DISMISSED AS MOOT** without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

/s/ Norma L. Shapiro

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J.

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<sup>1</sup> On March 22, 2010, Michael Drossner, Esq., counsel for petitioner, informed the court by letter that he has not seen or heard from petitioner since he was released from prison on October 22, 2009, and he was uncertain whether petitioner would want to file any objections to the R&R. Mr. Drossner believes that there is a strong possibility that petitioner would not wish to file objections because of an outstanding bench warrant for petitioner's arrest. By order of March 24, 2010, this court granted a Motion to Withdraw as Counsel submitted by Mr. Drossner because of petitioner's failure to remain in contact with his attorney. As of the date of this order, petitioner has not stated that he wishes to continue this litigation.